

Serial No.: 10/687,935
Art Unit: 3611
Examiner: HURLEY, Kevin
Page 5 of 6

REMARKS

Claims 1-17 are pending in the application. Claim 1 has been amended. Claim 18 has been cancelled. No claims and no new matter have been added. By way of this amendment, Applicants hereby respectfully request reconsideration and allowance of this application.

In regard to paragraph 2 – Objection to the specification under 37 CFR 1.75(d)(1)

Examiner has rejected Claims 1-17 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Antecedent basis for the term "rear suspension pivot point" appears in the specification at paragraph [0014] which provides as follows:

[0014] One embodiment of the present invention provides an ATV with a frame that is substantially centered on a longitudinal centerline of the vehicle, an engine that is disposed on the frame, and a plurality of wheels. The wheels include low pressure balloon-type tires. Two wheels are attached to a front axle and two wheels are attached to a rear axle. A handle bar is operatively connected to at least two of the wheels to provide directional control, and a straddle seat is disposed above the frame. A fuel tank is fluidly connected to the engine, and is disposed forward of the rear axle, substantially above a **rear suspension pivot point**, and below the seat, and is substantially centered on the longitudinal centerline.

Applicants have also amended claim 1 so as to recite that the rear axle being pivotably attached to the frame at a rear suspension pivot point. This amendment of claim 1 was not in response to the Examiner's rejection of the claim but is believed to improve the clarity of the claimed subject matter. No surrender of subject matter is intended thereby.

Reconsideration and withdrawal of the objection is respectfully requested in view of the foregoing remarks.

Serial No.: 10/687,935
Art Unit: 3611
Examiner: HURLEY, Kevin
Page 6 of 6

In regard to paragraphs 3- 4 – Claim rejections under 35 USC § 112

Although applicants disagree with the Examiner's rejection, applicants have removed the expression "low pressure balloon-type" from claim 1 to avoid the use of what is believed by the Examiner to be indefinite. It is believed that this rejection is moot.

In view of the above amendments and remarks, the Applicant respectfully submits that all the pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jonathan D. Cutler, Reg. No. 40,576

Attorney for the Applicant

Tel. (514) 732-7050

Fax (514) 732-7058